

DECISION MEMORANDUM

**TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: WELDON STUTZMAN
DEPUTY ATTORNEY GENERAL**

DATE: AUGUST 20, 2009

**SUBJECT: CASE NO. GNR-T-09-03
COMMISSION REVIEW OF THE TELEPHONE CUSTOMER
RELATIONS RULES**

On May 12, 2009, the Commission issued a Notice of Negotiated Rulemaking and directed Staff to convene a public workshop to review the Commission's Telephone Customer Relations Rules. The Rules are currently found at IDAPA 31.41, Chapter 1 and Chapter 2, and 31.42, Chapter 1. Staff convened a workshop on July 28, 2009, and invited members of the public and telephone companies to participate. Representatives from Qwest, Verizon, TDS, Frontier, Embark, AT&T, and Silver Star participated in person or by telephone. In addition to attending the workshop, the company representatives and at least one customer provided suggestions by e-mail communications.

A draft of the proposed changes to the Telephone Customer Relations Rules is attached. Some of the existing rules are duplicated in the different chapters and it is possible to eliminate Chapter 2 of IDAPA 31.41, and Chapter 1 of 31.42 by moving the substantive portions of those rules to IDAPA 31.41.01.

New provisions proposed in the rules address termination or cessation of service by a telephone company, requiring notice to customers and to the Commission. The proposed rules simplify other notice requirements.

The rule that generated the most discussion relates to information provided on billing statements. Rule 201 currently provides that a bill must contain a due date, and that the due date

must be 12 or 15 days following the billing date. The proposed rule recognizes that new methods of payment, including automatic charges to bank accounts or credit cards, have altered the traditional billing process. The proposed rules allow customers who choose automatic payment options to agree to a different due date than as specified for traditional paper billing statements.

Staff recommends that the Commission forward the proposed revisions to the Telephone Customer Relations Rules to the State Rules Coordinator for publication in the APA Bulletin. That process will allow for an additional comment period, enabling further refinement to the rules in response to those comments.

COMMISSION DECISION

Does the Commission wish to approve the proposed rules for publication in the next APA Bulletin, and initiate a formal rulemaking procedure?

A handwritten signature in black ink, appearing to read 'WBS', followed by a horizontal line.

Weldon B. Stutzman
Deputy Attorney General

bls/M:31-4101-0901_ws

**IDAPA 31
TITLE 41
CHAPTER 01**

**31.41.01 - CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS
PROVIDING ~~LOCAL EXCHANGE OR INTRASTATE MTS/WATS SERVICES~~ IN
IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION BY THE IDAHO
PUBLIC UTILITIES COMMISSION ~~UNDER THE PUBLIC UTILITIES LAW OR THE
TELECOMMUNICATIONS ACT OF 1988~~**

(THE TELEPHONE CUSTOMER RELATIONS RULES)

000. LEGAL AUTHORITY (RULE 0).

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the Telecommunications Act of 1988, Chapter 6, Title 62, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-520, 62-605, 62-606, 62-612, ~~and~~ 62-616, and 62-622 Idaho Code, with regard to service. (7-1-93)()

001. TITLE AND SCOPE (RULE 1).

The name of this chapter is the “Customer Relations Rules for Telephone Corporations Providing ~~Local Exchange or Intrastate MTS/WATS Services~~ in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission ~~Under the Public Utilities Law or the Telecommunications Act of 1988~~,”; (The Telephone Customer Relations Rules). For companies subject to Commission regulation under Title 62, Idaho Code, these rules apply to companies providing local exchange service as defined in Section 62-603, Idaho Code. This chapter has the following scope: These rules provide a set of fair, just, reasonable, and non-discriminatory rules to address recurring areas of disagreement between local exchange companies and ~~MTS/WATS~~ other telephone companies and customers with regard to deposits, guarantees, billing, application for service, denial of service, termination of service, complaints to telephone companies, billing for interrupted service, and provision of certain information about customers to authorities. (7-1-93)()

002. WRITTEN INTERPRETATIONS -- AGENCY GUIDELINES (RULE 2).

For rulemakings conducted before July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the order of proposed rulemaking and review of comments submitted in the order adopting these rules are maintained in the files of the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. The Commission Secretary may be contacted in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or by telephone at (208) 334-0300. For rulemakings conducted after July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative Bulletin proposing or adopting the rules. ~~In addition to these explanatory comments, the director of the Commission’s consumer assistance staff has issued interpretive guidelines that are available by contacting the director of the~~

~~consumer assistance staff in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or by telephone at (208) 334-0300.~~ (7-1-93)(____)

003. ADMINISTRATIVE APPEALS (RULE 3).

This rule governs consideration of ~~exemptions and~~ formal complaints and requests for exemption under these rules. Any ~~person~~ telephone company or customer requesting and receiving an informal staff determination with regard to an ~~exemption or~~ complaint may formally ~~or informally~~ request the Commission to review the Staff's determination. If unusual or unreasonable hardships result from the application of any of these rules, any telephone company or customer may apply to the Commission for, or the Commission on its own motion may order, a permanent or temporary exemption. A formal complaint or request for exemption shall be filed with the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)(____)

~~**01. Exemptions From Rules.** Rule 9 authorizes persons or telephone companies to request exemptions from these rules. This paragraph governs procedure for requests for exemptions.~~ (7-1-93)

~~**a.** Any applicant, customer or telephone company may informally request an exemption from any provision of these rules for a specific applicant or applicants or customer or customers by writing the Commission's consumer assistance staff at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074 or by telephoning the Commission's Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff's decision.~~ (7-1-93)

~~**b.** Any applicant, customer or telephone company may formally petition the Commission for an exemption pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq.~~ (7-1-93)

~~**c.** Any telephone company requesting an exemption for all of its customers must formally petition the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq.~~ (7-1-93)

~~**02. Complaints.** Rule 402 authorizes persons or telephone companies to file complaints under these rules. This paragraph governs procedure for filing complaints under these rules.~~ (7-1-93)

~~**a.** Any applicant, customer or telephone company may file an informal complaint under any provision of these rules concerning a specific applicant or applicants or customer or customers by writing the Commission's consumer assistance staff at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074 or by telephoning the Commission's Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff's decision.~~ (7-1-93)

~~b. Any applicant, customer or telephone company may file a formal complaint under these rules with the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)~~

004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).

All requests for waivers of these rules are public records subject to inspection, examination and copying under the Public Records Act. All informal complaints concerning telephone companies' compliance with the requirements of the Public Utilities Law or the Telecommunications Act of 1988 and this Commission's rules and orders are investigatory records exempt from disclosure under the Public Records Act. All formal complaints concerning telephone companies' compliance with these rules are public records subject to inspection, examination and copying under the Public Records Act. (7-1-93)

005. DEFINITIONS (RULE 5.)

The following definitions are used in this title and chapter: (7-1-93)

~~01. **Applicant.** Unless restricted by definition within a rule or a group of rules to a particular class of service, "applicant" means any potential customer who applies for a service from a telephone company. "Applicant" does not include minors not competent to contract. Telephone companies may decline to recognize minors not competent to contract as applicants and may require an adult or minor competent to contract to join a minor not competent to contract as an applicant. (7-1-99)~~

~~021. **Customer.** Unless restricted by definition within a rule or a group of rules to a particular class of service, "customer" means any person who meets the terms outlined in Subsections 005.02.a. through 005.02.d. below, and any person contractually or otherwise lawfully authorized to represent such party. If the person selecting, receiving, or canceling service is not the same person as the one assuming responsibility for payment of service, the latter is the customer for purposes of receiving refunds, etc. A "customer" is a person or entity who has requested service or currently receives service from a telephone company or has assumed responsibility for payment of service provided to another person or entity. (7-1-99)()~~

~~a. Has applied for; (7-1-93)~~

~~b. Has been accepted; and (7-1-93)~~

~~c. Is currently; (7-1-93)~~

~~i. Receiving service from a telephone company; or (7-1-93)~~

~~ii. Assuming responsibility for payment of service provided to another or others. (7-1-93)~~

~~d. Any person whose service has been temporarily disconnected for non-payment shall continue to be a "customer" for the purposes of these rules until such time as service is permanently disconnected. (7-1-99)~~

03. ~~Good Credit.~~ “~~Good credit~~” means payment by a customer for the most recent twelve (12) consecutive month period of all undisputed bills due the telephone company before temporary or permanent termination of service. (7-1-93)

042. ~~Local Exchange Company (LEC).~~ “~~Local exchange company~~” (LEC) is a telephone company providing local exchange service to end-users. “~~Local exchange company~~” includes “~~incumbent telephone corporations,~~” as defined in Section 62-603(6), Idaho Code, and telephone corporations granted a Certificate of Public Convenience and Necessity by the Commission to compete with incumbent telephone corporations. (7-1-99)()

05. ~~MTS Company or Interexchange Carrier.~~ “~~MTS company~~” or “~~interexchange carrier~~” means a telephone company providing MTS service. (7-1-93)

063. ~~Message Telecommunications Service (MTS).~~ “~~MTS~~” (commonly known as “long-distance service”) means the transmission of two-way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis as defined in Section 62-603(8), Idaho Code, and wide area telecommunications service (WATS) or its equivalent. (7-1-99)()

07. ~~Operator and Directory Assistance Services.~~ ~~Operator and directory assistance services are telephone services that include (but are not limited to) intercept, call completion and assistance, and directory assistance services, whether local, MTS, or both.~~ (7-1-93)

084. ~~Other Services.~~ “~~Other services~~” mean all services except local exchange and MTS services provided, billed, or collected by a telephone company. (1-1-95)

095. ~~Residential Telephone Service.~~ “~~Residential telephone service~~” means telecommunication service furnished and maintained at a dwelling primarily for personal or domestic purposes and not for business, professional or institutional purposes, i.e., service provided to residential customers as defined in Section 62-603(9), Idaho Code. (7-1-99)()

106. ~~Small Business Telephone Service.~~ “~~Small business telephone service~~” means telecommunication service furnished to a business or institutional entity, whether an individual, partnership, corporation, association or other business or institutional form, for occupational, professional, or institutional purposes, to customers who do not subscribe to more than five (5) local access lines within a building, i.e., service provided to small business customers as defined in Section 62-603(11), Idaho Code. (7-1-99)()

1107. ~~Telephone Company.~~ Unless further restricted by definition within a rule or a group of rules, “~~telephone company~~” means any entity subject to this Commission’s regulation as a provider of telecommunication services to end-users (~~either local exchange or MTS/WATS~~) under the Public Utilities Law (Idaho Code, Title 61, Chapters 1-7) or subject to this Commission’s authority under the Telecommunications Act of 1988, as amended, (Idaho Code, Title 62, Chapter 6), ~~except mutual, non-profit or cooperative telephone corporations or the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq).~~ (7-1-99)()

006. CITATION (RULE 6).

The official citation of these rules is IDAPA 31.41.01.000 et seq. For example, this rule is cited as IDAPA 31.41.01.006. In documents submitted to the Commission or issued by the Commission, however, these rules may be cited by their short title of Telephone Customer Relations Rules (TCRR) and the parenthetical rule number. For example, this rule may be cited as TCRR 6. (7-1-93)

007. EFFECTIVE DATE -- HISTORY OF RULES (RULE 7).

The Commission has adopted predecessors to these rules beginning in 1980. They were most recently codified at IDAPA 31.D.0 through -.7. They were readopted and reformatted by rulemaking decision in Docket Number 31-4101-9301, effective July 1, 1993. The history of these rulemaking proceedings preceding the initiation of the publishing of the Idaho Administrative Bulletin and the Idaho Administrative Code is available from the Commission Secretary. (7-1-93)

008. EXERCISE OF RIGHTS BY CUSTOMER (RULE 8).

No telephone company shall discriminate against or penalize a customer for exercising any right granted by these rules. (7-1-93)

009. ~~EXEMPTIONS FROM RULES (RULE 9). (RESERVED).~~

~~If unusual or unreasonable hardships result from the application of any of these rules, any telephone company or customer may apply to the Commission for, or the Commission on its own motion may order, a permanent or temporary exemption. (7-1-93)~~

010. INFORMAL COMPLAINTS AND INTERPRETATION OF RULES (RULE 10).

The Commission may authorize designated staff members to make and give informal interpretations of these rules and tariffs or other filings of telephone companies on record with the Commission, and to investigate complaints made to the Commission. ~~These interpretations, which do not bind the Commission, will be distributed to telephone companies subject to these rules and interested consumer groups and be available from the director of the Commission's consumer assistance staff.~~ The Commission reserves to itself the authority to issue formal declaratory orders concerning the interpretation of these rules, telephone company tariffs or similar filings, and to resolve formal complaints. (7-1-93)()

011. CONFLICT WITH TELEPHONE TARIFFS OR PRICE LISTS (RULE 11).

If a telephone company's tariff or price list on file with the Commission contains provisions that deny or restrict customers' rights protected by any of these rules, these rules supersede any conflicting tariff or price list provisions that deny or restrict any of those rights. (7-1-93)

012. INCORPORATION BY REFERENCE -- CODE OF FEDERAL REGULATIONS (RULE 12).

Sections 701 through 703 incorporate by reference federal regulations issued by the Federal Communications Commission. The incorporated regulations are found in the Code of Federal Regulations available from the U.S. Government Printing Office, ~~Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250 7954.~~ The incorporated federal

regulations are also available in electronic format at www.access.gpo.gov/nara. Incorporated materials are also available for inspection and copying at the offices of the Public Utilities Commission and or the Idaho State Law Library. (3-15-02)()

013. -- 099. (RESERVED).

RULES 1010 THROUGH 199

RESIDENTIAL AND SMALL BUSINESS DEPOSIT PRACTICES

100. FURTHER DEFINITIONS (RULE 100) (RESERVED).

As used in Rules 101 through 110:

(7-1-93)

01. Applicant. ~~“Applicant” is restricted from its general definition to refer only to applicants for residential or small business service, unless further restricted by rule.~~ (7-1-93)

02. Customer. ~~“Customer” is restricted from its general definition to refer only to a customer subscribing to residential or small business service, unless further restricted by rule.~~ (7-1-93)

03. Deposit. ~~“Deposit” means any payment held as security for future payments or performance for service provided by that telephone company or other telephone companies for which it bills.~~ (7-1-93)

04. Local Exchange Company (LEC). ~~“Local exchange company” means the telephone company providing or that would provide local exchange service to a customer or applicant.~~ (7-1-93)

05. MTS Company. ~~“MTS Company” means a telephone company providing or that would provide MTS service to a customer or applicant, except that companies providing both local exchange service and MTS are considered local exchange companies for purpose of the deposit rules.~~ (7-1-93)

101. DEPOSIT REQUIREMENTS -- LECS (RULE 101).

01. Residential Customers. ~~No local exchange company providing local exchange service shall demand or hold any deposit from any current residential customer or applicant for service without proof that the customer or applicant is likely to be a credit risk or to damage the property of the local exchange company or MTS other companies for which it bills. A history of late payment or lack of previous history with the local exchange company does not, in itself, constitute such proof. A local exchange company shall not demand or hold a deposit under this rule as a condition of service from a residential customer or applicant unless one or more of the following criteria applies:~~ (7-1-93)()

a. ~~The customer or applicant has outstanding a prior residential service account with any telephone company that accrued within the last four (4) years and at the time of application for service remains unpaid and not in dispute.~~ (7-1-93)()

b. The customer's ~~or applicant's~~ service ~~from any telephone company~~ has been temporarily denied or terminated within the past four (4) years for one (1) or more of the following reasons: (7-1-93)()

i. Non-payment of any undisputed delinquent bill; (7-1-93)

ii. ~~Misrepresentation of the customer's or applicant's identity for the purpose of obtaining telephone service;~~ (7-1-93)

iii. ~~Failure to reimburse the telephone company for damages due to negligent or intentional acts of the customer; or~~ (7-1-93)

iv. Obtaining, diverting or using telephone service without the authorization or knowledge of the telephone company. (7-1-93)

c. The ~~applicant~~ customer does not have verifiable previous telephone service that was in existence for a period exceeding twelve (12) months and does not pass an objective credit screen. (7-1-93)()

d. The telephone company has determined that ~~information provided by the applicant~~ customer is materially false or materially misrepresentative of the ~~applicant's~~ customer's true status. (7-1-93)()

e. The ~~applicant~~ customer requests service at a residence where a prior subscriber still resides and where any balance for service to that prior subscriber incurred at that location is past due or owing. (7-1-93)()

02. Small Business Customers. No local exchange company providing local exchange service shall demand or hold any deposit as a condition of service from any current small business customer ~~or applicant~~ for small business service unless one (1) or more of the following criteria apply: (7-1-93)()

a. Any of the conditions listed in Rule 101.01 of this rule are present. (7-1-93)

b. The ~~applicant~~ customer has not had previous service with that telephone company. (7-1-93)()

c. The customer was delinquent in payment two (2) or more times in the previous twelve (12) months. (7-1-93)

03. Bankrupt Customers. ~~If an applicant for service or~~ a customer, either residential or a small business, has sought any form of relief under the Federal Bankruptcy Laws, has been brought within the jurisdiction of the bankruptcy court for any reason in an involuntary manner, or has had a receiver appointed in a state court proceeding, then a deposit may be demanded as allowed by the Federal Bankruptcy Act of 1978, and in particular 11 USC 366, or as directed by

~~the state court~~ Laws.

(7-1-93)(____)

102. OTHER DEPOSIT STANDARDS PROHIBITED (RULE 102).

A local exchange company shall not require a deposit or other guarantee as a condition of new or continued residential telephone service based upon residential ownership or location, income level, source of income, employment tenure, nature of occupation, race, creed, sex, age, national origin, marital status, number of dependents, or any other criterion not authorized by these rules. Rules governing deposits shall be applied uniformly. If ~~an applicant~~ the customer for service, either residential or small business, selects another MTS company to provide services and arranges to be billed directly by that MTS company; rather than through the ~~LEC local exchange company~~, no deposit may be collected by the ~~LEC local exchange company~~ for ~~MTS the services~~ provided by the MTS other company.

(7-1-99)(____)

103. (RESERVED).

104. ~~WRITTEN EXPLANATION FOR DENIAL OF SERVICE OR REQUIREMENT OF DEPOSIT -- LECS~~ (RULE 104).

~~Upon request of the applicant or customer, If the local exchange company must requires a cash deposit as a condition of providing service, then it shall immediately provide an written explanation to the applicant or customer stating the precise reasons why it requires a deposit or denies service is required. The applicant or customer shall be given an opportunity to rebut these reasons. The applicant or customer must be orally notified of the right to a written explanation In the event of a dispute, the customer must be advised that an informal or formal complaint may be filed with the Commission.~~

(7-1-93)(____)

105. AMOUNT OF DEPOSIT -- LECS (RULE 105).

01. Local Exchange Service. A deposit allowed pursuant to Rule 101 as a condition of service by a local exchange company ~~for applicants or customers~~ shall not exceed two (2) months' charges for local exchange service. Additional deposits for damage or other reasons independent of usage may be in reasonable amounts.

(7-1-93)(____)

~~**02. MTS Billed by the LEC.** In addition to a deposit allowed pursuant to Rule 105.01, a local exchange company providing or billing for message telecommunications service (MTS) may ask for a reasonable deposit. Deposits for customers expected to take service for short periods of time (e.g., political campaigns, conventions, fairs) may be based on expected usage during the time in service.~~

(4-5-00)

~~**03. Monitoring Deposits Based on MTS Usage.** The deposit may be monitored for as long as the deposit is required and may be increased when MTS usage billed by the LEC in a one-month period exceeds by fifty dollars (\$50) or more the portion of the customer's deposit covering one month's MTS usage.~~

(7-1-93)

106. INTEREST ON DEPOSITS (RULE 106).

01. Interest Payable. Interest will be payable on the deposited amounts at the rate

provided by Rule 106.02 of this rule. Interest will accrue from the date the deposit is made until the deposit is refunded or applied to the customer's bill; however, interest will not accrue on a deposit if: (7-1-93)

a. Service is terminated temporarily at the request of the customer who leaves the deposit with the telephone company for future use as a deposit; or (7-1-93)

b. Service has been permanently terminated and the telephone company has been unsuccessful in its attempt to refund a deposit. (7-1-93)

02. Interest Rate. On or before November 15 of each year, the Commission will determine the twelve (12) month average interest rate for one-year Treasury Bills for the previous November 1 through October 31, round that rate to the nearest whole percent, and notify the telephone companies of its determination of this interest rate. That rate will be in effect for the following calendar year for all deposits described in Rule 106.01 of this rule. (7-1-93)

107. RETURN OF DEPOSIT -- LECS (RULE 107).

01. Former Customers. Upon termination of service, the deposit, with accrued interest, must be credited to the final bill. The balance of the deposit remaining, if any, must be returned promptly to the customer. (3-30-01)

02. Existing Customers. ~~The deposit, with accrued interest, must either be credited to the customer's current bill or be refunded promptly by the local exchange company when:~~ If the customer has paid all undisputed bills and has no more than one (1) late payment during the past twelve (12) consecutive months of service, the telephone company shall promptly return the deposit (with accrued interest) by crediting the customer's current account or issuing a refund. (3-30-01)(____)

~~a. The residential customer establishes and maintains good credit; or (7-1-93)~~

~~b. The small business customer maintains good credit and is not delinquent more than once in the previous twelve (12) months. (7-1-93)~~

03. Retention During Dispute. The local exchange company may retain the deposit pending resolution of a dispute over termination of service. If the deposit is later refunded to the customer, the local exchange company shall pay interest at the annual rates established in Rule 106 for the entire period over which the deposit was held. (7-1-93)

04. Early Return of Deposit. A local exchange company may refund a deposit plus accrued interest in whole or part at any time before the time prescribed in this rule. (7-1-93)

108. TRANSFER OF DEPOSIT (RULE 108).

Deposits shall not be transferred from one (1) customer to another customer or between classes of service, except at the customer's request. When a customer with a deposit on file transfers service to a new location within the same telephone company's service area in Idaho, the deposit

and any outstanding balance shall be transferred to the account for the new location. (7-1-93)

109. ~~RECEIPT FOR DEPOSIT~~—RECORDS OF DEPOSITS (RULE 109).

01. Receipts. Each customer paying a deposit shall be ~~given a receipt containing or otherwise be provided with~~ the following information: (4-6-05)(____)

- a. Name of customer and service address for which deposit is held; (7-1-93)
- b. Date of payment; (7-1-93)
- c. Amount of payment; and (7-1-93)
- d. ~~Statement of the t~~Terms and conditions governing the return of deposits. (7-1-93)(____)

02. Retention of Records. Each telephone company shall maintain records that will enable a customer entitled to a return of a deposit to obtain a refund even though the customer may be unable to produce the receipt for the deposit. These records must include the name of each customer, the service location(s) and telephone number(s) of the customer while the deposit is retained, and the date(s) and amount(s) of the deposits. The telephone company shall retain records of deposits that have been refunded to customers for a period of three (3) years after the date of refund. The telephone company shall retain records of unclaimed deposits for a period of seven (7) years as required by Section 14-531, Idaho Code. (4-6-05)(____)

03. Transfer of Records. Upon the sale or transfer of any telephone company or any of its operating units, the seller shall certify to the Commission that it has a list showing the names of all customers whose service is transferred and who have a deposit on file, the date the deposit was made and the amount of the deposit. (7-1-93)

110. ~~DEPOSITS~~—~~MTS COMPANIES (RULE 110).~~

~~MTS companies that do not bill and collect through LECs may ask for reasonable deposits. Requests for deposits must comply with all state and federal anti-discrimination statutes. MTS companies must comply with Rules 106, 107 (except Rule 107.02), 108 and 109. (7-1-93)~~

111. UNCLAIMED DEPOSITS AND ADVANCE PAYMENTS (RULE 111).

01. Presumption of Abandonment. Pursuant to Section 14-508, Idaho Code, any deposit or advance payment made to obtain or maintain local exchange service, ~~message telecommunications service (MTS)~~, or other services that is unclaimed by the owner for more than one (1) year after termination of service is presumed abandoned. (4-6-05)(____)

02. Financial Assistance Program. A telephone company may apply to the Commission for approval to pay unclaimed deposits and advance payments presumed to be abandoned to a financial assistance program which assists the telephone company's low income and disadvantaged customers with payment of utility bills. The telephone company shall remain obligated to file its report of such abandoned property as required by Section 14-517, Idaho

Code, and retain records as required by Section 14-531, Idaho Code.

(4-6-05)

1121. -- 199. (RESERVED).

RULES 200 THROUGH 299

BILLING

200. FURTHER DEFINITION – BILLING STATEMENT (RULE 200).

As used in Rules 201 through 206, “bill” or “billing statement” refers to a written request for payment listing charges for goods and services ~~previously rendered or for flat rate services billed in advance~~ that is mailed or otherwise delivered to the customer for payment. A billing statement may be provided to the customer in an electronic format with the customer’s consent. Oral notice of the amount of charges pending is not a bill. Bills include requests for payments for services rendered by other telephone companies or other entities that are not telephone companies. This rule does not apply to billings between or among telephone companies. (7-1-93)(____)

201. ISSUANCE OF BILLING STATEMENTS -- CONTENTS OF BILLS -- RESIDENTIAL AND SMALL BUSINESS SERVICE (RULE 201).

01. Local Exchange Service. Billing statements for residential and small business local exchange service ~~shall~~ must be issued on a regular basis. ~~Bills, and~~ must contain the following information: (7-1-93)(____)

- a. The ~~billing~~ date the billing statement is issued; (7-1-93)(____)
- b. The time period covered by the billing statement; (7-1-93)(____)
- c. The due date ~~of the bill~~ by which payment must be received, unless the customer has authorized automatic monthly payment. If automatic payment is authorized, the billing statement must reflect the actual or earliest possible date that funds will be withdrawn from a bank account or charged to a credit card account; (7-1-93)(____)
- d. Any amounts transferred from another account; (7-1-93)
- e. Any amounts past due; (7-1-93)
- f. Any payments or credits applied to the customer’s account since the last bill;(7-1-93)
- g. The total amount due; (7-1-93)
- h. Names of ~~other all~~ telephone companies or entities that are not telephone companies whose providing goods and services for which the customer are also being is billed, identification sufficient information to readily identify the goods and of the service(s) billed provided, and the amount(s) of those billings charged; (7-1-93)(____)
- i. The ~~mailing address(es) or~~ toll-free telephone number(s) available to customers in

~~the service territory for answering inquiries and resolving complaints about telephone goods and services billed;~~ (7-1-93)()

~~j. An itemization of all non-recurring charges; and~~ (7-1-93)

~~kj. An itemization of the following recurring charges: total local exchange service bill (mileage or zone charges and charges for extended area service may be included in the total rather than as separate items), touch tone capability, custom calling features, directory listings, wire maintenance plans, equipment leases, and governmentally imposed for goods and services provided to the customer and any associated fees, taxes, surcharges or subscriber line charges. All other recurring charges may be included in a miscellaneous billing category if the local exchange company explains the charges in writing pursuant to IDAPA 31.41.02.101. Charges for each element of packaged services, local measured service good or service provided as part of a package under a single price, or other calling plans in which individual calls are not billed at a flat rate regardless of usage need not be separately itemized if the local exchange company provides an explanation of those services pursuant to IDAPA 31.41.02.101.~~ (7-1-93)()

02. MTS Bills. In addition to the requirements of Rule 201.01, bills for MTS service must ~~itemize for all MTS calls~~ identify the number called and the date, time, duration, destination and charge for each call, unless the customer has selected a flat rate calling plan. For collect and third-party calls the MTS provider must also itemize the origin of the call. (7-1-93)()

03. Billing for Other Services. No telephone company may send demand letters or initiate collection efforts for any amount owed by a customer who subscribes to or is billed for services other than local exchange service and MTS services or services provided by another telephone company unless the bill separately lists those services as required by this rule. (7-1-93)()

04. Customer Request for Less Detail. Upon customer request, telephone companies may provide billing statements containing less detail than required by this rule. Telephone companies must make available without charge detailed billing information for the preceding twelve (12) months to those customers who have elected to receive less detail on monthly billing statements but subsequently request more detail. ()

202. DUE DATE OF BILLS -- DELINQUENT BILLS (RULE 202).

The telephone company may require that bills for service be paid within a specified time after the billing date. ~~Except in cases covered by Rule 305, t~~The minimum specified time after the billing date is fifteen (15) days (or twelve (12) days after mailing or delivery of a paper or electronic bill, if bills are mailed or delivered more than three (3) days after the billing date). Upon the expiration of this time without payment, the bill may be considered delinquent. With the customer's approval, automatic monthly payments made by withdrawal from a bank account or charged to a credit card account may take place prior to the normal due date if the customer has authorized such a payment. (7-1-99)()

203. BILLING UNDER INAPPROPRIATE RATES (RULE 203) (RESERVED).

01. ~~Rebilling Required.~~ ~~If a customer was billed under an inappropriate rate, the telephone company must recalculate the customer's past billings and correctly calculate future billings based on the appropriate rate. A customer has been billed under an inappropriate rate if:~~(7-1-93)

a. ~~The customer was billed under a rate for which the customer was not eligible; or~~(7-1-93)

b. ~~The customer, who is eligible for billing under more than one (1) rate, was billed under a rate contrary to the customer's election, or the election was made based upon erroneous information provided by the telephone company.~~ (7-1-93)

02. ~~Exceptions.~~ ~~The telephone company shall not be required to adjust billings when it has acted on good faith based upon available information or when the customer was given written notice of options under the telephone company's service offerings and did not make a timely election to exercise the customer's options. The telephone company may waive rebillings for underbillings in its discretion.~~ (7-1-93)

03. ~~Rebilling Period.~~ ~~The period for which rebilling under this rule is allowed shall be that provided by Section 61-642, Idaho Code, (three (3) years).~~ (7-1-93)

04. ~~Refunds and Additional Payments.~~ ~~The telephone company shall prepare a corrected billing indicating the refund due the customer or the amount due the telephone company. A customer who has been underbilled shall be given the opportunity to make payment arrangements under Rule 3-12 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbilling accrued. The telephone company shall promptly refund amounts overpaid by the customer unless the customer consents to a credit against future bills, except overbillings not exceeding fifteen dollars (\$15) may be credited to future bills.~~ (7-1-93)

204. INACCURATELY BILLED SERVICE BILLING ERRORS, BILLING UNDER INCORRECT RATES, OR FAILURE TO BILL SERVICE UNDER CORRECT RATES (RULE 204).

01. Billing Errors in Preparation -- Malfunctions -- Failure to Bill. Whenever the billing for telephone service was not accurately billed because of malfunction in billing equipment or error in preparation of bills, the telephone company shall prepare a corrected billing. If the telephone company has not billed a customer for service provided, the telephone company shall prepare a bill for the period in which service was provided and the customer was not billed. At its discretion, ~~The telephone company may waive rebilling for underbillingscharges in its discretion.~~ (7-1-93)()

02. Billing Under Incorrect Rates. A customer has been billed under an incorrect rate if the customer was billed under a rate for which the customer was not eligible or the customer, who is eligible for billing under more than one (1) rate, was billed under a rate contrary to the customer's election or the election was made based upon erroneous information provided by the telephone company. If a customer is billed under an incorrect rate, the telephone

company must recalculate the customer's past bills and correctly calculate future bills based on the appropriate rate. The telephone company is not required to adjust bills when it has acted in good faith based upon information provided by the customer. ()

023. ~~Corrections~~ Rebilling Time Period. (7-1-93)()

a. If the time when the ~~error in preparation or malfunction of billing equipment~~ billing error, billing under incorrect rates, or failure to bill (collectively referred to as "billing problem") began cannot be reasonably determined to have occurred within a specified billing period, the corrected billings shall not exceed the most recent six (6) months before the discovery of the ~~error or malfunction~~ billing problem. ()

b. If the time when the ~~malfunction or error or failure to billing problem~~ began can be reasonably determined, and the telephone company determines the customer was overcharged, the corrected billings shall go back to that time, but ~~need not to exceed the three (3) years from the time the billing problem occurred as provided by Section 61-642, Idaho Code (three (3) years).~~ ()

c. If the time when the billing problem began can be reasonably determined and the telephone company determines the customer was undercharged, the company may rebill for a period of six (6) months unless a reasonable person should have known of the inaccurate billing, in which case the rebilling may be extended for a period not to exceed three (3) years. The telephone company is responsible for identifying customers who have not been billed or who have been inaccurately billed. ()

034. ~~Refunds and Additional Payments.~~ The telephone company shall ~~prepare a corrected billing indicating the refund due the customer or the amount due the telephone company~~ must promptly calculate refund amounts overpaid by the customer and issue a credit within two (2) billing cycles. Any remaining credit balance shall be credited against future bills unless the customer, after notice from the telephone company, requests a refund and the amount is more than twenty-five dollars (\$25). The telephone company shall advise the customer of the option to have any remaining credit balance exceeding twenty-five dollars (\$25) refunded. A customer who has been underbilled shall be given the opportunity to make payment arrangements under Rule 312 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbilling accrued. The telephone company shall promptly refund amounts overpaid by the customer unless the customer consents to a credit against future bills, except overbillings not exceeding fifteen dollars (\$15) may be credited to future bills. (7-1-93)()

05. Additional Payments. The telephone company must promptly prepare a corrected billing for a customer who has been undercharged, indicating the amount owed to the company. An unbilled or undercharged customer must be given the opportunity to make payment arrangements under Rule 313 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbilling accrued or the customer was not billed. ()

205. BILLING PROHIBITED – BILLING DISPUTES (RULE 205).

01. Unauthorized Charges. ~~No person telephone company shall bill or cause another person to bill for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other goods and service(s) or merchandise not ordered or otherwise authorized by the customer of record. Any charges for these services that appear on a customer's bill shall be removed from the customer's bill no later than two (2) billing cycles following notice to the telephone company. Disputed charges must be removed from the customer's bill within two (2) months of when customers notify the company that the customer has been unable to either contact or successfully resolve a dispute with the service or goods provider and that the charge is still in dispute.~~ A telephone company that unknowingly submits a bill containing charges for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other service(s) or merchandise goods not ordered or otherwise authorized by the customer of record shall ~~not~~ be considered in violation of this rule if unless the disputed amounts are removed from the customer's bill within two (2) billing cycles of the customer's notification to the company. (7-1-99)()

02. Billing Disputes. A telephone company that bills and collects for other telephone companies or entities is responsible for either addressing billing disputes regarding unauthorized goods and services for which it bills or advising customers how to contact the providers of those goods and services. If a customer is unable to either contact or successfully resolve a dispute about unauthorized goods and services for which the telephone company bills, a credit equal to the disputed charges must be applied to the customer's account within two (2) billing cycles of the customer's notification to the company. ()

206. ~~TRANSFER OF BILLS -- RESIDENTIAL SERVICE~~ RESPONSIBILITY FOR PAYMENT OF RESIDENTIAL SERVICE BILLS (RULE 206).

01. Customer Defined. For purposes of this rule, "customer" means a person whose name appears on the telephone company's regular bill for residential service or who signed a written application for residential service or another document informing the customer that he or she was assuming an obligation for payment of service. (7-1-93)

02. Customer's Responsibility. A customer shall not be held responsible for payment of an amount not billed for the customer's own service or through use of the customer's own credit or facilities and whose own name does not appear on the current bill or application for service, unless: (7-1-93)

a. The customer expressly accepts responsibility for payment of the other person's bill; or (7-1-93)

b. The customer has a legal obligation to pay the other person's bill. (7-1-93)

03. Customer Notice. The telephone company shall provide written notice of its intent to add to the customer's bill for current service an amount owed for: ()

a. Another person's bill; or ()

b. Service rendered at a former service location, if the lapse in service exceeds sixty (60) calendar days. ()

The notice may be provided in an electronic format with the customer's consent. ()

034. Contents of Notice of Transfer of Bill to Another Customer. ~~No telephone company shall transfer any amount owed by a customer or former customer to another customer's account without notice to the latter. The notice must include the following information concerning the amount the telephone company is proposing to transfer:~~

(7-1-93)()

a. The name of the customer of record who owes the bill; (7-1-93)

b. The service location and telephone number or account number involved; (7-1-93)

c. The time over which the ~~transferred~~ bill amount was accumulated; (7-1-93)()

d. The amount owed; (7-1-93)

e. The reason(s) for ~~transferring~~ adding the bill amount to the customer's ~~account~~ billing statement; (7-1-93)()

f. Statement that payment arrangements may be made on the amount owed; (7-1-93)

g. A statement that the customer has a right to contest ~~the transfer with~~ the telephone company's proposed action ~~or by contacting~~ the Commission; and (7-1-93)()

h. The response deadline after which the bill amount will be ~~transferred~~ added to the customer's billing statement. (7-1-93)()

045. Opportunity to Responded Period. The customer ~~is entitled to~~ must be given a minimum of seven (7) calendar days from the date of its proposed action to respond to the ~~transfer~~ telephone company notice. (7-1-93)()

05. Transfer of Bills for Customers Who Move. The telephone company is not required to notify a customer of its intent to transfer an amount owed if that customer remains a customer named on the bill and moves to another location within that telephone company's service territory and the lapse in service does not exceed sixty (60) days. (7-1-93)

207. BILLING FOR OTHER SERVICES (RULE 207).

~~Telephone company bills for other services shall contain the mailing address(es) or toll-free telephone number(s) available to customers for answering inquiries and resolving complaints about the services billed, sufficient information to readily identify the service provider, the services rendered, the associated specific charges for which the bill is tendered. Notwithstanding any contractual or regulatory provisions to the contrary, no telephone company shall be required~~

~~to bill its customers on behalf of any person who fails to submit to the telephone company the information necessary to enable it to comply with this rule.~~ (7-1-99)

2087. -- 299. (RESERVED).

RULES 300 THROUGH 400 399

DENIAL, RESTRICTION, AND TERMINATION OF SERVICE

300. (RESERVED).

301. ~~REQUIREMENTS~~ EXPLANATION FOR ~~AND CONTENTS OF NOTICE OF DENIAL OF A SERVICE~~ TO A CUSTOMER (RULE 301).

If a telephone company intends to deny ~~an available~~ service to ~~an applicant~~ a customer under Rule 302, the telephone company must ~~give the applicant written~~ provide an explanation of its refusal to serve. The explanation must state: to the customer stating the reasons for the telephone company's refusal to serve and the necessary action(s) to be taken to receive service. In the event of a dispute, the customer must be advised that an informal or formal complaint concerning denial of service may be filed with the Commission. (7-1-93)()

01. ~~The Reasons for Denial of the Service.~~ (7-1-93)

02. ~~Actions of Applicant.~~ ~~Actions the applicant may take to receive the telephone company's service; and~~ (7-1-93)

03. ~~Filing Complaint.~~ ~~That an informal or formal complaint concerning denial of the service may be filed with the telephone company or the Commission.~~ (7-1-93)

302. GROUND FOR DENIAL OR TERMINATION OF LOCAL EXCHANGE SERVICE WITH PRIOR NOTICE (RULE 302).

A telephone company may deny or terminate local exchange service to a customer ~~or applicant~~ without the customer's ~~or applicant's~~ permission, but only after adequate notice has been given in accordance with these rules, for one (1) or more of the following reasons: (3-30-01)()

01. ~~Customer Did Not Pay Undisputed Delinquent Bills.~~ ~~The customer or applicant did not pay~~ With respect to undisputed delinquent bills for local exchange services or paid a delinquent bill for local exchange services with any dishonored check, past due bills for local exchange service, the customer: (1-1-95)()

a. Failed to pay; ()

b. Paid with a dishonored check; or ()

c. Made an electronic payment drawn on an account with insufficient funds. ()

02. ~~Customer Failed to Make a Security Deposit.~~ ~~The customer or applicant failed~~

to make a security deposit, when one is required. (3-30-01)()

03. Customer Failed to Abide by Terms. The customer ~~or applicant~~ failed to abide by the terms of a payment arrangement. (7-1-93)()

04. ~~Customer Misrepresented Identity.~~ The customer ~~or applicant~~ misrepresented the customer's ~~or applicant's~~ identity for the purpose of obtaining telephone service. (7-1-93)

054. Customer Is Willfully Wasting or Interfering with Service. The telephone company determines as prescribed by relevant state or other applicable standards that the customer ~~or applicant~~ is willfully wasting or interfering with service through improper equipment or otherwise. (7-1-93)()

065. ~~Customer Is Using Service(s) for Which the Customer or Applicant Did Not Apply a Minor.~~ The customer is a minor not competent to contract as described in Sections 29-101 and 32-101, Idaho Code. (7-1-93)()

06. Obligation to Connect Service. Nothing in this rule requires the telephone company to connect service for a customer who owes money on an existing account or from a previous account if the unpaid bill is for service provided within the past four (4) years. ()

303. GROUNDS FOR DENIAL OR TERMINATION OF A SERVICE, WITHOUT PRIOR NOTICE (RULE 303).

A telephone company may deny or terminate a service or all services without prior notice to the customer ~~or applicant~~ and without the customer's ~~or applicant's~~ permission for ~~one (1) or more~~ any of the following reasons: (7-1-93)()

01. Dangerous Condition. A condition immediately dangerous or hazardous to life, physical safety, or property exists, or it is necessary to prevent a violation of federal, state or local safety or health codes. (7-1-93)

02. Ordered to Terminate Service. The telephone company is ordered to terminate service by any court, the Commission, or any other duly authorized public authority. (7-1-93)

03. Illegal Use of Services ~~Obtained Illegally.~~ The service(s) was (were) obtained, diverted or used without the authorization or knowledge of the telephone company. (7-1-93)()

04. Customer Unable to Be Contacted. The telephone company has tried diligently to meet the notice requirements of Rule 304, but has been unsuccessful in its attempt to contact the customer ~~affected~~. (7-1-93)()

05. ~~Misrepresentation of Identity.~~ The customer ~~has misrepresented the customer's identity for purposes of obtaining telephone service and has no or an inadequate security deposit on file with the company and has an outstanding bill exceeding one hundred (\$100) dollars~~ The telephone company has determined that information provided by the customer is materially false or materially misrepresents the customer's true status. (7-1-93)()

304. REQUIREMENTS FOR NOTICE BEFORE TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 304).

01. ~~Seven-Day~~ Initial Notice. If the telephone company intends to terminate local exchange service under Rule 302, it must send to the customer written notice of termination mailed at least seven (7) calendar days before the proposed date of termination. This written notice must contain the information required by Rule 306. ~~(3-30-01)~~(____)

02. ~~Twenty-Four Hour~~ Final Notice. At least twenty-four (24) hours before actual termination, the telephone company must diligently attempt to contact the customer ~~affected~~ to apprise the customer of the proposed action and the steps to the customer must take to avoid or delay termination. This oral notice must contain the same information required by Rule 306. ~~(3-30-01)~~(____)

03. Additional Notice. If the telephone company has not terminated service within twenty-one (21) days after the proposed termination date as specified in a written notice, the telephone company must again provide notice under Subsections 304.01 and 304.02 if it still intends to terminate service. (3-30-01)

04. Failure to Pay ~~--- Payment with Dishonored Check~~. No additional notice of termination is required if, upon receipt of a termination notice: ~~(3-30-01)~~(____)

a. The customer makes a payment arrangement and subsequently fails to keep that arrangement; ~~or~~ ~~(3-30-01)~~(____)

b. The customer tenders payment with a dishonored check; or ~~(7-1-99)~~(____)

c. Makes an electronic payment drawn on an account with insufficient funds. (____)

305. (RESERVED).

306. CONTENTS OF NOTICE OF INTENT TO TERMINATE LOCAL EXCHANGE SERVICE (RULE 306).

01. Contents of Notice. The written or oral notice of intent to terminate local exchange service required by Rule 304 must state: ~~(1-5-95)~~(____)

01a. ~~The Reasons~~. The reason(s), citing these rules, why service will be terminated and the proposed date of termination; ~~(7-1-93)~~(____)

02b. ~~Actions~~. Actions the customer may take to avoid termination; ~~(7-1-93)~~(____)

03c. ~~Certificate of Serious Illness or Medical Emergency~~. That a certificate notifying the local exchange company of a serious illness or medical emergency in the household may delay termination under Rule 308; ~~(1-5-95)~~(____)

~~04d. Complaint May be Filed.~~ That an informal or formal complaint concerning termination may be filed with the telephone company or the Commission, and that service will not be terminated on grounds relating to the dispute between the customer and telephone company before resolution of the complaint (the Commission's mailing address, Internet address, and telephone number must be given to the customer); (7-1-99)()

~~05e. Telephone Company Willing to Make Payment Arrangements.~~ That the telephone company is willing to make payment arrangements (in a written notice this statement must be in bold print); and (7-1-99)()

~~06f. Partial Payments.~~ What amount must be paid in order to avoid termination of local exchange service and ~~Tthat for purposes of disconnection,~~ partial payments will be applied toward past due charges for local exchange service charges first, ~~unless the customer requests otherwise, and that charges for services other than local exchange services cannot be used as a basis for disconnection.~~ (7-1-99)()

307. TERMINATION OF LOCAL EXCHANGE SERVICE -- MAINTENANCE OF RECORDS (RULE 307).

Each telephone company shall maintain for three months clear, written records of the oral notices to terminate local exchange service required by Rule 304.02 showing dates and telephone company employees giving the notices. (1-5-95)

308. SERIOUS ILLNESS OR MEDICAL EMERGENCY (RULE 308).

01. Medical Certificate -- Postponement of Termination of Local Exchange or MTS Long-Distance Services. A telephone company offering local exchange or MTS long-distance service between a residential customer and the customer's nearest community providing necessary medical facilities or services must postpone termination of local exchange or MTS long-distance service to a residential customer for thirty (30) calendar days from the date of receipt of a written certificate signed by a licensed physician or public health official with medical training. The certificate must contain the following information: (4-6-05)()

a. A statement that the customer, a member of the customer's family, or other permanent resident of the premises where service is provided, is seriously ill or has a medical emergency or will become seriously ill or may have a medical emergency because of termination of service; and that termination of local exchange service would adversely affect the health of that customer, member of the customer's family, or resident of the household. (4-6-05)()

b. If the customer requests that termination of MTS long-distance service be postponed, a statement that termination of MTS long-distance service would impair the customer's ability to communicate with necessary medical facilities or services. (4-6-05)()

c. The name of the person whose serious illness or medical emergency would be adversely affected by termination and the relationship to the customer. (4-6-05)

d. The name, title, and signature of the person certifying the serious illness or medical emergency. (4-6-05)

02. Restoration of Service. If local exchange or ~~MTS~~ long-distance service has already been terminated when the medical certificate is received, the appropriate service shall be restored as soon as possible, but no later than twenty-four (24) hours after receipt. The customer shall receive local exchange and necessary ~~MTS~~ long-distance services for thirty (30) calendar days from the telephone company's receipt of the certificate. (4-6-05)(____)

03. Second Postponement. The telephone company ~~must~~ may postpone termination of local exchange and necessary ~~MTS~~ long-distance service for an additional thirty (30) days upon receipt of a second certificate stating that the serious illness or medical emergency still exists, ~~unless during the period of the first certificate excessive or unwarranted MTS calls were incurred and not paid or the customer refused to enter into payment arrangements.~~ (4-6-05)(____)

04. Verification of Medical Certificate. The telephone company may verify the authenticity of the certificate and may refuse to delay termination of service if the certificate is a forgery or is otherwise fraudulent. (7-1-93)

05. Obligation to Pay. Nothing in this rule relieves the customer of the obligation to pay any undisputed bill. (4-6-05)

309. MEDICAL FACILITIES -- SHELTER CARE (RULE 309).

Where local exchange or ~~MTS~~ long-distance services is are provided to a customer known by the telephone company to be or identifying itself as a medical care facility, including a hospital, medical clinic with resident patients, nursing home, intermediate care facility or shelter care facility, notice of pending termination shall be provided to the Commission and to the State Department of Health and Welfare as well as to the customer. Upon request from the Commission, a delay in termination of no less than seven (7) calendar days from the date of notice shall be allowed so that action may be taken to protect the interests of the facility's residents. (1-1-95)(____)

310. INSUFFICIENT GROUNDS FOR TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 310).

01. Termination Prohibited. No customer shall be given notice of termination of local exchange services nor shall the customer's local exchange service be terminated if the unpaid bill cited as grounds for termination is: (1-1-95)(____)

01a. Less Than Fifty Dollars. ~~The customer's unpaid bill cited as grounds for termination is~~ Less than fifty (\$50) dollars; (7-1-99)(____)

02b. Telephone Service to any Other Customer or Former Customer. ~~The unpaid bill cited as grounds for termination is~~ For telephone service provided to any other customer or former customer (unless that customer has a legal obligation to pay the other bill) or for any

~~other~~ a class of service (business or residential) other than the one to which the customer currently subscribes; (1-1-95)()

03c. ~~Results From the Purchase of MTS and Other Services.~~ ~~The unpaid bill cited as grounds for termination of service results from the purchase of For MTS and or other goods and services provided by the telephone company or for which the telephone company bills; including but not limited to;~~ (1-1-95)()

- ~~a. Directory advertising;~~ (1-1-95)
- ~~b. Information services, operator services or other services not provided by local exchange companies;~~ (1-1-95)
- ~~c. Leased or purchased customer premises equipment or other merchandise; or~~ (1-1-95)
- ~~d. Inside wire maintenance.~~ (3-30-01)

04. ~~Other Person Has an Unpaid Balance for Service.~~ ~~The customer lives at a residence where another person lives and the other person has an unpaid balance for service, except when the customer has a legal obligation to pay the other persons's bill.~~ (1-1-95)

~~d. For service provided four (4) or more years ago unless the customer made a payment on the bill within the past four (4) years, or the customer signed a written payment agreement and then failed to pay;~~ ()

~~e. The subject of an informal or formal complaint filed with the Commission; or~~ ()

~~f. Is at issue in a case pending before a court in the State of Idaho unless termination is authorized by court order.~~ ()

311. RESTRICTIONS ON TERMINATION OF LOCAL EXCHANGE SERVICE -- OPPORTUNITY TO AVOID TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 311).

01. ~~When Termination Not Allowed of Service is Prohibited.~~ ~~Unless the customer affected has consented in writing, local exchange service shall not be terminated on any Friday after twelve noon or on any Saturday, Sunday, legal holidays recognized by the state of Idaho, or after twelve noon on any day immediately before any legal holiday, or at any time when the telephone company's business offices are not open for business, e~~Except as authorized by Rules 303.01 and 303.02, or for non residential customers, as authorized by any Subsection of Rule 303 or this rule, service provided to a customer shall not be terminated; ~~Local exchange services may be terminated only between the hours of 8 a.m. and 4 p.m., except as authorized by Rules 303.01 and 303.02.~~ (1-1-95)()

a. On any Friday, Saturday, Sunday, legal holidays recognized by the State of Idaho,

or on any day immediately preceding any legal holiday; or ()

b. At any time when the telephone company is not open for business. ()

02. ~~Personnel to Authorize Reconnection Times When Service May Be Terminated.~~ ~~Each telephone company providing local exchange service shall have personnel available after the time of termination who are authorized to reconnect service if the conditions cited as grounds for termination are corrected to the telephone company's satisfaction. Customers may be asked to pay reconnection fees before restoration of service. Service may be terminated:~~ (1-1-95)()

a. At any time when there is a dangerous condition pursuant to Rule 303.01 or the telephone company is ordered to do so pursuant to Rule 303.02; ()

b. Between the hours of 8 a.m. and 5 p.m., Monday through Thursday, for any reason authorized by Rules 302 and 303; ()

c. Between the hours of 8 a.m. and 5 p.m. on Friday for illegal use of service pursuant to Rule 303.03 or if the premises are unoccupied and service has been abandoned; or ()

d. Between the hours of 5 p.m. and 9 p.m., Monday through Thursday, if the telephone company is unable to gain access to its equipment during the normal business hours or for illegal use of service pursuant to Rule 303.03. ()

03. Service to Persons Not Customers. If local exchange service is provided to a residence and the account is in the name of one who does not reside there, the telephone company, prior to termination, shall notify the person(s) receiving service and afford the person(s) a reasonable opportunity to negotiate directly with the telephone company to purchase service in the resident's(s') own name(s). (1-1-95)()

04. No Termination While Complaint Pending. Except as authorized by order of the Commission or of the Judiciary, local exchange service shall not be terminated for failure to pay amounts in dispute while a complaint over that telephone service filed pursuant to Rule 402 is pending before this Commission or while a case placing at issue payment for that telephone service is pending before a court in the state of Idaho. (1-1-95)()

05. Customer Requested Termination. Nothing in this rule prohibits a telephone company from terminating service at any time pursuant to a customer's request. ()

312. PAYMENT ARRANGEMENTS (RULE 312).

01. Arrangements Allowed. When a customer cannot pay a bill in full, the telephone company may continue to serve the customer if the customer and the telephone company agree on a reasonable portion of the outstanding bill to be paid immediately, and the manner in which the balance of the outstanding bill will be paid. (7-1-93)

02. Reasonableness. In deciding on the reasonableness of a particular agreement, the telephone company will take into account the customer's ability to pay, the size of the unpaid balance, the customer's payment history and length of service, and the amount of time and reasons why the debt is outstanding. (7-1-93)()

03. Application of Payment. Payments are to be applied first to the undisputed past due balance owed by the customer for local exchange services, ~~and associated installation charges, taxes, and surcharges, unless the customer designates otherwise.~~ (7-1-99)

04. ~~Notice of Allocation Procedures.~~ ~~The telephone company shall notify customers of its procedures for allocating partial payments in its annual summary of these rules given pursuant to Rule 602.01 and in its written seven-day notice sent pursuant to Rule 304.01. In discussing or negotiating payment arrangements, the local exchange telephone company shall advise the customer what amount of payment the customer must allocate to local exchange service or to MTS long-distance service or other goods and services in order to prevent the termination of or restriction of access to retain those goods and services. If the telephone company successfully contacts the customer pursuant to the requirements of Rule 304.02, the company shall likewise advise the customer of the amounts that the customer must allocate to local exchange service and/or MTS intrastate services or other services to avoid termination of those services.~~ (7-1-99)()

05. Second Arrangement. If a customer fails to make the payment ~~agreed upon~~ by the agreed due date ~~that it is due~~, the telephone company may, but is not obligated to, enter into a second arrangement. (1-1-95)()

06. When Arrangement Not Binding. No payment arrangement binds a customer if it requires the customer to forego any right provided for in these rules. (1-1-95)

313. (RESERVED).

314. DENIAL, RESTRICTION, MODIFICATION, OR TERMINATION OF MTS LONG-DISTANCE SERVICE OR OTHER SERVICES (RULE 314).

01. Compliance. Telephone companies regulated under Title 61, Idaho Code, providing MTS long-distance or other services must comply with Rules 301, 303, Subsections 311.03 and 311.04, and Rule 312 in connection with denial, restriction, modification, or termination of those services. Telephone companies providing MTS long-distance or other services must provide reasonable notice before terminating or restricting access to such services, except as provided by Rule 303. Telephone companies providing MTS long-distance services must provide reasonable notice before modifying a customer's existing service. Nothing in this rule abrogates customers' rights under those telephone companies' tariffs or filings, written agreements with customer, or obligations otherwise imposed by statutory or common law. (7-1-99)()

02. Failure to Pay. A customer's failure to pay for undisputed MTS long-distance charges billed by the local exchange company may result in loss of 0+ or 0- and 1+ dialing

access to ~~MTS~~ long-distance services until such time as the customer pays the undisputed charges and any applicable reconnection charges, ~~if any.~~ (7-1-99)()

03. Loss of Services. Customer failure to pay undisputed charges for other services may result in loss of those services. (1-1-95)

315. CESSATION OF SERVICE IN A SERVICE AREA (RULE 315).

01. Single Local Service Provider. A telephone company that intends to terminate a service regulated under Title 61, Idaho Code, and an eligible telecommunications carrier that intends to terminate its universal service obligation in an area where it is the only eligible telecommunications carrier, must comply with the following: ()

a. Petition the Commission for authority to terminate the service at least ninety (90) days before the company intends to terminate the service. If the Commission does not deny the petition or set it for hearing within ninety (90) days after receiving the petition, it shall be deemed approved; ()

b. Mail a notice to each affected customer and to each telecommunications provider affected by the proposed cessation no later than ten (10) days after filing its petition with the Commission. ()

c. Include with its petition a copy of the notice to customers and the number of customers affected by the proposed cessation; ()

d. Demonstrate that the termination will not deprive the public of necessary telephone services; ()

e. Obtain Commission approval before transferring customers to other telecommunications providers. ()

02. Competitive Local Service Provider. A local exchange company that intends to terminate local exchange service that is not subject to regulation under Title 61, Idaho Code, and an eligible telecommunications carrier that intends to terminate its universal service obligation in an area where it is not the only eligible telecommunications carrier, must comply with the following: ()

a. Provide notice to the Commission and each affected customer at least forty-five (45) days prior to the proposed termination of service; ()

b. Inform the Commission of the number of customers and the other providers affected by the proposed termination, and the company's plan to ensure that all customers served by the company will continue to be served; ()

c. The telecommunications company may, after complying with this Rule _____, transfer customers to another telecommunications provider without obtaining affirmative approval from affected customers if the following conditions are satisfied: (____)

i. The company terminating service has a written commitment from another provider to accept all of the exiting company's customers within the receiving company's service area:(____)

ii. All affected customers are notified at least forty-five (45) days in advance that they may apply to another telecommunications company for the service that is being terminated, and that if they do not obtain service from another provider, then the exiting company will automatically transfer them to the receiving company. (____)

iii. The receiving company may provide service to the terminating company's customers for up to forty-five (45) days without the affected customer applying for service from the receiving company. If the affected customers do not apply for service from or otherwise affirm an agreement to be served by the receiving company within forty-five (45) days, the receiving company may discontinue service. (____)

3156. – 400 399.

(RESERVED).

RULES 400 THROUGH 499

[TITLE]

400. (RESERVED).

401. COMPLAINT TO TELEPHONE COMPANY (RULE 401).

01. Subject Matter. A customer ~~or applicant~~ for service may complain to the telephone company about any deposit or guarantee required as a condition of service, billing, termination of service, quality or availability of service, or any other matter regarding telephone company services, policies or practices for local exchange service, ~~MTS, operator and directory assistance services, or other services.~~ ~~The customer or applicant may request a conference with the telephone company, but this provision does not affect any statute of limitation that might otherwise apply.~~ Complaints to the telephone company may be made orally or in writing. A complaint is considered filed when received by the telephone company. In making a complaint ~~or request for conference~~, the customer or applicant shall state the customer's or applicant's name, service address, telephone number and the general nature of the complaint. (7-1-93)(____)

02. Obligations for Billing Disputes. A local exchange company that bills and collects for other entities is responsible for either addressing complaints for all services and merchandise billed or for providing the customer with the mailing address(es) or toll-free telephone numbers so the customer may contact the supplier of services or merchandise billed. If the customer informs the LEC that another company's charge is disputed, the LEC must stop any payment allocations to the disputed charge. The disputed charge must be permanently removed from the LEC's bill no later than two (2) billing cycles following the billing cycle during which

~~the complaint is registered unless the customer agrees to pay the disputed bill prior to that time.~~
(7-1-99)

032. Conference Company Investigation. Upon receiving a complaint ~~or a request for conference~~, the telephone company shall promptly, thoroughly and completely investigate the complaint, confer with the customer ~~or applicant~~ when requested, and notify the customer ~~or applicant~~ of the results of its investigation and make a good faith attempt to resolve the complaint. The oral or written notification shall advise the customer ~~or applicant~~ that the customer ~~or applicant~~ may request the Commission to review the telephone company's proposed disposition of the complaint.
(7-1-93)()

043. Service Maintained. The telephone company shall not terminate service based upon the subject matter of the complaint while investigating the complaint or making a good-faith attempt to resolve the complaint.
(7-1-93)

402. REVIEW BY COMMISSION (RULE 402).

01. Informal Review. The Commission has authority to investigate and resolve complaints made by subscribers to telecommunication services which concern the quality and availability of local exchange service, or whether price and conditions of service are in conformance with filed tariffs or price lists, deposit requirements for such service or disconnection of such service. If a customer ~~or applicant~~ who has complained to a telephone company is dissatisfied with a telephone company's proposed disposition of the complaint, the customer ~~or applicant~~ may request the Commission to review informally the disputed issue and the telephone company's proposed disposition of the complaint. The Commission may consider complaints regarding any telephone services, ~~whether subject to rate regulation or not~~ over which the Commission has authority.
(7-1-93)()

02. Procedure on Review. The Commission will process these requests as informal complaints pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. Telephone service shall not be terminated nor shall termination be threatened by notice or otherwise in connection with the subject matter of the complaint while the complaint is pending before the Commission so long as the customer continues to pay all amounts not in dispute, including current telephone bills. Upon request by any party, the parties and a representative of the Commission shall be required to meet and confer.
(7-1-93)

03. Rights Protected. No customer ~~or applicant~~ shall be denied the opportunity to file a complaint with the Commission.
(7-1-93)()

04. Formal Complaints. Formal complaints may be filed according to the Commission's Rules of Procedure, IDAPA 31.01.01.000, et seq.
(7-1-93)

403. RECORD OF COMPLAINTS (RULE 403).

01. Recordkeeping. Each telephone company must keep a record of written complaints and requests for conferences pursuant to Rules 401 and 402. These records must be

retained for a minimum of one year at the office of the telephone company where the complaints were received ~~or conferences held~~. These written records are to be readily available upon request by the complaining customer ~~or applicant~~, the customer's ~~or applicant's~~ agent possessing written authorization, or the Commission. The records must note whether the customer was advised as required by Rule 401.03 that the customer ~~or applicant~~ may request the Commission to review the telephone company's proposed disposition of the complaint. (7-1-93)(____)

02. Reporting. When previously ~~directed~~ requested by the Commission, a telephone company must submit a report to the Commission that states and classifies the number of complaints made to the telephone company pursuant to Rules 401 and 402 and the general subject matter of the complaints. (7-1-93)(____)

404. RESPONSES TO INFORMAL COMPLAINTS (RULE 404).

Within ten (10) business days of receiving notification from the Commission that an informal complaint involving the company has been filed with the Commission, telephone companies must either respond orally or in writing to the Commission. A telephone company will be granted an extension of time to prepare its response if it represents that it is making a good faith effort to resolve the matter in dispute. A full and complete response should be submitted to the Commission no later than thirty (30) days after receipt of notification from the Commission. (7-1-99)

405. – 500 499.

(RESERVED).

RULES 5010 THROUGH 600

QUALITY OF SERVICE

500. (RESERVED).

501. QUALITY OF SERVICE (RULE 501).

01. Service Standards. Each telephone company providing local exchange service pursuant to Title 61 or Title 62, Idaho Code, as applicable, and each eligible telecommunications carrier (ETC) is required to employ prudent management and engineering practices to ensure that customers receive the best quality of service practicable. Each telephone company is required to adopt and pursue a maintenance program aimed at achieving efficient operation of its systems to render safe, adequate and uninterrupted service. These programs must include guidelines for keeping all plant and equipment in good repair, including the following:

(7-1-93)(____)

a. Broken, damaged or deteriorated equipment must be promptly repaired or replaced; and (7-1-93)

b. Transmission problems (including induction, cross-talk, or other poor transmission on any line) must be promptly corrected when located or identified. (7-1-93)

02. Service Outage. If a customer's local telephone service quality deteriorates to

such an extent that the customer cannot make local calls or cannot receive local calls or cannot use the service for voice grade communication because of cross-talk, static or other transmission problem, the telephone company must respond to a customer's report of such a "service outage" in accordance with Rule 503. Customer's bills must be appropriately and automatically credited pursuant to the terms of Rule 503. (7-1-93)

502. RESPONSE TO SERVICE OUTAGE (RULE 502).

01. Receipt and Recording of Reports. Each telephone company providing local exchange service pursuant to ~~Title 61, Idaho Code~~, shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of and response to all reports. The telephone company shall maintain an accurate record of trouble reports made by its customers. This record shall include accurate identification of the affected customer or service ~~affected~~, the time, date and nature of the report, the action taken to clear the trouble or satisfy the customer, and the date and time of trouble clearance or other disposition. This record shall be available to the Commission or its authorized representatives upon request at any time within two (2) years of the date of the record. (~~3-30-01~~)(____)

02. Repair Commitments. Commitments to customers for repair service shall be set in accordance with Rule 503. Each telephone company shall make every reasonable attempt to fulfill repair commitments to customers. Customers shall be timely notified of unavoidable changes. Failure to meet a repair commitment does not relieve the telephone company of the credit provisions in Rule 503.01, unless the customer fails to keep an appointment the customer agreed to when the original commitment was made. (7-1-93)

503. REPAIR SERVICE STANDARDS (RULE 503).

01. Restoration of Service. When a telephone company providing local exchange service pursuant to ~~Title 61, Idaho Code~~, is informed by a customer of a service outage as described in Subsection 501.02, the telephone company must: (~~7-1-99~~)(____)

a. Restore service within sixteen (16) hours after the report of the outage if the customer notifies the telephone company that the service outage creates an emergency for the customer; or (7-1-93)

b. Restore service within twenty-four (24) hours after the report of the outage if no emergency exists, except that outages reported between noon on Saturday and 6 p.m. on the following Sunday must be restored within forty-eight (48) hours or by 6 p.m. on the following Monday, whichever is sooner. If the telephone company does not restore service within the times required by this subsection the telephone company must credit the customer's account for an amount equal to the monthly rate for one (1) month of local exchange service. (~~7-1-93~~)(____)

02. Extenuating Circumstances. Following disruption of telephone service caused by natural disaster or other causes not within the telephone company's control and affecting large groups of customers, or in conditions where the personal safety of an employee would be jeopardized, the telephone company is not required to provide the credit referred to in Subsection

503.01 as long as it uses reasonable judgment and diligence to restore service, giving due regard for the needs of various customers ~~and the requirements of the telecommunications service priority (TSP) program ordered in FCC Docket 88-341 (47 C.F.R. Part 64 Appendix A).~~ When a customer causes the customer's own service outage or does not make a reasonable effort to arrange a repair visit within the service restoration deadline, or when the telephone company determines that the outage is attributable to the customer's own equipment or inside wire, the telephone company is not required to provide to that customer the credit referred to in Subsection 503.01. (7-1-99)(____)

03. Compliance Standard. Each month at least ninety percent (90%) of out-of-service trouble reports shall be cleared in accordance with Subsections 503.01 and 503.02. The telephone company shall keep a monthly service record as described in Subsection 502.01 and shall notify the Commission ~~whenever~~ if the record indicates the ninety percent (90%) level has not been met for a period of three (3) consecutive months. (7-1-99)(____)

504. – 600 599.

(RESERVED).

RULES ~~6010~~ THROUGH ~~700~~ 699

MISCELLANEOUS PROVISIONS

~~601. DIRECTORIES AND CUSTOMER LISTINGS (RULE 601).~~

01. Directory Provided. ~~Each local exchange company must annually provide to all customers without charge at least one (1) local exchange directory per access line. The directory must include:~~ (7-1-93)

a. ~~The name, address and telephone number of each customer subscribing to local exchange service for that directory's exchanges, excluding public pay telephones and names, addresses or telephone numbers omitted at the customer's request;~~ (7-1-93)

b. ~~The name, address and toll-free telephone number(s) of the local exchange company; and~~ (7-1-93)

c. ~~The name, address and telephone number of the Commission, together with a statement that if a dispute cannot be resolved directly with the telephone company, a complaint may be filed with the Commission.~~ (7-1-93)

02. Listing. ~~Each customer who wishes the customer's name, address or telephone number to be listed in the white pages of the directory must be given one (1) free listing in the customer's local exchange directory for each account.~~ (7-1-93)

6020. SUMMARY OF RULES INFORMATION TO CUSTOMERS (RULE 6020).

01. Local Exchange Companies Required Information. ~~Each telephone company~~

~~providing local exchange service is required to make available to its customers a summary of these rules approved by the Commission. This summary must be provided to customers at least once each year and provided to each new customer upon commencement of service. This summary may be included at least once a year in a regular mailing of the telephone company's bill or printed in the telephone directory in the informational section preceding the white page listings. If the summary is contained in the telephone directory, giving the customer the directory and calling the customer's attention to the summary of the rules contained in the directory satisfies this requirement. Each telephone company providing local exchange service must make the following information available to its customers:~~ (7-1-93)()

a. A summary of the general terms and conditions under which service is provided, referring to these rules as appropriate; ()

b. A clear and concise explanation of: ()

i. All the goods and services for which the customer is billed, including those goods and services provided as part of a package offered by the telephone company; ()

ii. All recurring charges associated with individual goods and services or package of goods and services for which the customers is billed; ()

iii. Any early termination fees that apply if the customer terminates service prior to the end of a service agreement or contract period; ()

iv. The telephone company's dispute resolution procedures and a statement that an informal or formal complaint may be filed with the Commission; and ()

v. If the customer subscribes to non-published service, the circumstances under which the telephone company will release information about the customer or the customer's service and to whom it will be released. ()

02. ~~All Telephone Companies~~ When and How Information Provided.—~~All telephone companies must make a summary of the kind described in Subsection 602.01 available in their local offices and to each of their customers requesting a summary. Information must be provided to customers in writing upon initiation of service and whenever a material change in the terms and conditions of service or charges for goods and services takes place. Information provided upon initiation of service may be separately mailed or included with the paper or electronic billing statement delivered to the customer. Subsequent notices may be made by separate mailing, included with a billing statement or, with the customer's consent, by electronic notice of reference to information contained on the telephone company's website.~~ (7-1-93)()

6031. ACCESS TO EMERGENCY SERVICES (RULE 6031).

In counties where consolidated emergency communications systems, as defined by Section 31-4802, Idaho Code, are established, the local exchange company shall provide access to those services to all its customers. (7-1-99)()

6042. REQUEST FOR TELEPHONE COMPANY RECORDS (RULE 6042).

01. General Rule. If any telephone company subject to these rules is directed by ~~legal process or otherwise~~ subpoena or court order to disclose customer records, as soon as practical, it must notify the customer what records were requested and of the company's response to the request. In no case shall the reasonable period of time under this rule exceed two (2) business days after deciding ~~whether~~ to abide by that request. (7-1-93)(____)

02. Exceptions. This rule does not apply: (7-1-93)

a. If a judge of a court of competent jurisdiction has ordered a telephone company not to disclose that it has complied with a ~~summons~~ court order or subpoena to turn over a customer's telephone records ~~(the telephone company is excused from complying with this rule so long as the judicial order is in effect);~~ (7-1-93)(____)

b. ~~If a grand jury, officers participating before a special inquiry judge or officers participating in any other investigation required by law to be secret and confidential order a telephone company not to disclose that it has complied with a summons or subpoena to turn over a customer's telephone records (the telephone company is excused from complying with this rule until it has been notified to the contrary); or~~ (7-1-93)

c. ~~If federal or state law enforcement agencies or officers who have been granted the authority of summons or subpoena by statute or rule when the agency or officer certifies in writing that disclosure could impede an investigation and thereby interfere with the enforcement of the law (a certification shall be made for no more than ninety (90) days, but re-certification at the expiration of each ninety (90) day period is allowed).~~ (7-1-93)

03. Definition of Records. ~~The term "records" used in this rule refers to records of message telecommunications service and local calls (if available).~~ (7-1-93)

6053. AUTOMATIC RECORDING (RULE 6053).

Certain federal, state or local agencies have been permitted by rule or tariff approved by or filed with the Federal Communications Commission or this Commission to automatically record all telephone conversations on certain lines of the agency. This automatic recording is allowed for security, safety or public interest purposes. Release of telephone conversations automatically recorded by such a government agency for purposes unrelated to security, safety or the public interest is expressly prohibited under the authority of rules or tariffs authorizing automatic recording of conversations. This rule does not preclude the records' release pursuant to independent judicial, executive, legislative, or other order or authorization for release of such conversations, or upon consent of all parties whose conversations were recorded. (7-1-93)

604. PUBLIC NOTICE (RULE 604).

Telephone companies must give "public notice" of all proposed changes in rates as required by Section 62-606, Idaho Code. Public notice must be reasonably designed to call affected customers' attention to the proposed changes in rates. Legal advertisements alone will not be considered adequate public notice. Individual notice to all customers affected will always

constitute public notice. Notices must be provided to individual customers at least thirty (30) days before change is effective. ()

605. TELEPHONE SOLICITATIONS (RULE 605).

Each telephone company providing local exchange service must summarize the provisions of Sections 48-1001 et seq., Idaho Code, in an annual insert in a billing statement mailed to customers or by conspicuous publication in the consumer pages of the local telephone directory. Local exchange companies may meet the requirements of this notice by publishing the following explanation or one substantially similar: ()

**IMPORTANT NOTICE CONCERNING PURCHASE
OF GOODS AND SERVICES BY TELEPHONE**

You have important rights under the Idaho Telephone Solicitation Act. Under this Act it is illegal for persons attempting to sell you goods or services by telephone (telephone solicitors):

- * To intimidate or harass you in connection with the attempted sale.
- * To refuse to hang up and free your telephone line immediately once you request them to do so.
- * To misstate the price, quality, or availability of goods or services, or to fail to reveal all material terms relating to the sale of goods or services.
- * To advertise, represent or imply that they have the endorsement of any government office or agency when they do not.
- * To advertise, represent or imply that they have a valid registration number with the Attorney General when they do not.
- * To use any unfair method of competition or unfair or deceptive practice.

Any person not yet 18 years old who purchases goods or services pursuant to a telephone solicitation may cancel the purchase within a reasonable time after the purchase is made. No parent or legal guardian having custody of a person not yet 18 years old is liable for the purchase of goods or services by a person not yet 18 years old pursuant to telephone solicitation.

When you agree to purchase goods or services over the telephone, you may have a right to reconsider and cancel your agreement for three business days after receiving a written confirmation of the sale.

A person whose rights are violated by telephone solicitors may have the right to declare a contract of purchase null and void or invoke other remedies under the Idaho Consumer Protection Act.

If you believe that a telephone solicitor has done any unlawful acts, you may contact the

Attorney General's Office for assistance and information at:
1 (800) 432-3545 (toll-free) or
334-2424 (Boise area).

()

606. INFORMATION, PRICE LISTS OR TARIFFS FOR NON-LOCAL EXCHANGE SERVICE (RULE 606).

01. Information to be Filed. All telephone corporations, except mutual nonprofit or cooperative corporations, that did not on January 1, 1988, hold a certificate of public convenience and necessity issued by the Commission and that do not provide basic local exchange service are required by Section 62-604(1)(b), Idaho Code, to file a notice with this Commission before offering services in Idaho. The notice must contain the following information: ()

a. The name of the telephone corporation and the business name of the telephone corporation if it does business under an assumed business name; ()

b. The United States and electronic (if available) mailing addresses of the principal place of business of the telephone corporation, and, if there is a principal place of business in Idaho, the addresses of the principal place of business in Idaho; ()

c. An agent in Idaho for service of process by the Commission in the state of Idaho including the agent's United States and electronic (if available) mailing addresses; ()

d. A description of the telecommunication services offered by the telephone corporation and a map of the area(s) served by the telephone corporation or in which the telephone corporation offers or intends to offer service; ()

e. Address(es) and toll-free telephone number(s) for personnel responsible for handling consumer inquiries, complaints, etc., by the public; and ()

f. Name(s), United States mail and electronic (if available) addresses, and telephone number(s) of person(s) designated as a contact for the Commission Staff in resolving consumer complaints, responding to consumer inquiries, and answering matters concerning rates and price lists or tariffs. These notices must be updated at least annually, between December 1 and December 31 each year, and whenever there is a change in the telephone corporation's name, address, or agent for service of process. ()

03. Service. Notices, orders, rules, complaints and other documents issued by the Commission may be served by United States or electronic mail on the agent for service of process listed pursuant to Rule 202.02.c. of this rule. This service constitutes due and timely notice to the telephone corporation, and no further service is necessary to bind the telephone corporation. Telephone corporations obligated by statute to file the notice required by Rule 202.02 of this rule, but failing to do so, are bound by the Commission's motions, orders, rules, complaints and other documents upon their filing with the Commission Secretary. ()

607. PRICE LISTS OR TARIFF FILINGS (RULE 607).

01. Price Lists or Tariffs. All telephone corporations providing or access to their local exchange network are required to file for informational purposes price lists or tariffs that reflect the availability, price, terms and conditions of those services. The price lists or tariffs must: ()

a. Contain a title page identifying the telephone corporation; ()

b. Show on each page the name of the company, the date of issuance and an effective date for their rates; ()

c. Contain a table of contents; ()

d. Number pages and paragraphs describing the services; ()

e. Show when pages or services have been cancelled or revised; and ()

f. Provide a mechanism (e.g., page revision numbers) for tracing additions, deletions or amendments to the price list or tariff. The price lists or tariffs must include schedules of rates for each type of service generally made available to subscribers, showing the effective date of all rates and charges and listing any rules and regulations associated with provision of the services. Surcharges, discounts, hours of availability, minimum service periods, and other conditions of service must be detailed. ()

02. Changes to Price Lists or Tariffs. When required by Section 62-606, Idaho Code, changes to price lists or tariffs are effective not less than ten (10) days after filing with the Commission and giving public notice to affected customers except for charges for non-recurring services quoted directly to the customer when an order is placed or price reductions, both of which may take effect immediately with filing. Changes to price lists or tariffs must be accompanied by a letter of transmittal stating how affected customers received notice of the changes to price lists or tariffs. See Telephone Customer Information Rule 102.04, IDAPA 31.41.02.102.04. ()

03. Tracking Price Lists or Tariffs. Each revision to a price list or tariff must be accompanied by a cover letter summarizing the changes to the price list or tariff, specifically referring to existing tariff pages affected by the new price list or tariff and stating whether new pages replace, are in addition to, or delete existing pages. The Commission Secretary may adopt a system to number each company's changes to its price lists or tariffs. ()

608. FORM AND NUMBER OF COPIES OF PRICE LIST OR TARIFF (RULE 608).

Price lists or tariffs filed pursuant to Section 62-606, Idaho Code, or by this Commission's implementation of Section 62-616, Idaho Code, must have a blank space approximately three by one and one-half inches (3" x 1-1/2") square provided for the Commission's filing stamp in the upper right or lower right corner of each schedule filed. An original and three copies of the price

list or tariff must be filed with the Commission. The Commission stamps its indication that the price list or tariff has been filed in the space provided on each copy of the price list or tariff, placing the original in its files and returning one copy to the telephone corporation. ()

6069. – 700 699.

(RESERVED).

RULES 7010 THROUGH 800

SLAMMING PROVISIONS

7010. THE UNAUTHORIZED CHANGE OF A CUSTOMER'S TELEPHONE COMPANY (RULE 7010).

Local exchange companies and interexchange carriers are prohibited from submitting or executing an unauthorized change in a customer's selection of a provider of local or long distance telephone service. This practice is commonly referred to as "slamming." The Commission will administer the Federal Communications Commission's regulations regarding slamming. (3-15-02)

7021. ADOPTION OF FEDERAL SLAMMING REGULATIONS (RULE 7021).

The Commission adopts the slamming regulations promulgated by the Federal Communications Commission and found at Sections 64.1100 through 64.1170 and 64.1190, Title 47, Code of Federal Regulations (October 1, 2004). Local exchange companies and interexchange carriers shall comply with applicable provisions of the federal regulations adopted by reference except as modified in Section 7032 of these rules. (~~4-6-05~~)()

7032. STATE PROCEDURES (RULE 7032).

The federal slamming procedures incorporated by reference in Section 7021 of these rules are modified as follows: (~~3-15-02~~)()

01. Form. Complaints regarding an unauthorized carrier change may be filed with the Commission in person, by mail, by e-mail, or by telephone. E-mail complaint forms may be found at www.puc.state.id.us. A copy of the telephone bill(s) in dispute and other relevant evidence shall be provided to the Commission by the complaining party. The slamming complaint shall include the following information: (3-15-02)

- a.** Name, address and telephone number of complainant; (3-15-02)
- b.** Name/identity of the alleged slamming carrier; (3-15-02)
- c.** Name of the previous authorized carrier; (3-15-02)
- d.** Name of the billing entity; (3-15-02)
- e.** Date the alleged slamming occurred; (3-15-02)
- f.** Whether the customer has been restored to the preferred carrier; (3-15-02)

- g.** Whether the customer has paid any or all of the disputed charges; (3-15-02)
- h.** Efforts in attempting to resolve the alleged slamming; and (3-15-02)
- i.** Whether the customer was charged for changing carrier(s). (3-15-02)

02. Procedure. The Commission's Consumer Assistance Staff shall be responsible for resolving slamming complaints under the Commission's informal complaint procedures in IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Sections 021 through 024. Not later than twenty-one (21) calendar days after notification of a slamming complaint, the alleged unauthorized carrier shall provide to the Consumer Assistance Staff a copy of any valid proof of verification of the carrier change and any other evidence relevant to the complaint. Use of the Commission's informal complaint procedures are mandatory. (3-15-02)

03. Written Determination. When its informal investigation is complete, the Consumer Assistance Staff shall issue a written determination to the customer, alleged unauthorized carrier, and the authorized carrier. (3-15-02)

04. Appeal of Staff Determination. A customer or carrier aggrieved by the Consumer Assistance Staff's determination of a slamming complaint may file a formal complaint with the Commission pursuant to IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Section 054. An appeal of Staff's determination shall be filed with the Commission Secretary within twenty-one (21) calendar days of the Staff's written determination. An aggrieved party's failure to file a formal complaint shall constitute a waiver or abandonment of the slamming complaint. (3-15-02)

7043. -- 999. (RESERVED).